

Application Serial No. 10/537,733
Reply to Office Action of December 21, 2010

PATENT
Docket: CU-6562

REMARKS

In the Office Action, dated December 21, 2010, the Examiner states that Claims 1-8, 11, 14 and 22-34 are pending, Claims 1-4, 11, 14 and 22-27 are rejected and Claims 5-8 and 28-34 are withdrawn. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §103(a)

Claims 1-4, 11, 14 and 23-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP 5-186610 (JP'610) in view of JP 2001-320073 (JP'073). Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over JP'610 in view of JP'073 and US 6,362,278 (Pfaendner). Applicant respectfully disagrees with and traverses these rejections.

At the outset, Applicant indicates that it has deleted the phrase "consisting essentially of" from Claim 1 and replaced it with "consisting of." The scope of the copolymer is now specified as a copolymer consisting of an α -olefin and an ethylenic unsaturated silane compound.

Claim 1 has also been amended to specify that the filler sheet for a solar cell module contains one or more selected from the group consisting of a light resisting agent, an ultraviolet absorbent and a thermal stabilizer. Support for this amendment is Claim 1 as originally filed in the patent application.

Lastly, Claims 14, 26 and 27 have been amended in accordance with the amended Claim 1 so that the copolymer is consisting of an α -olefin and an ethylenic unsaturated silane compound, and the phrase "or a maleic anhydride modified polyolefin" has been deleted.

The copolymer of Claim 1 (hereinafter "the present invention") consists of 2 components of an α -olefin and an ethylenic unsaturated silane compound.

In contrast thereto, both of JP'610 (JP5-186610) and JP'073(JP2001-320073) are completely silent about a copolymer made of only these two components.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*,

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72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature of the presently claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

In JP'610, certain problems are solved by using the specific materials of three-component system of the ethylene, the ethylenic unsaturated silane compound and the unsaturated carboxylic ester (Paragraph [0006], JP'610). Thus, the features of the invention disclosed in JP'610 cannot be achieved by using two-component system, excluding the unsaturated carboxylic ester from the three-component system. Removing this component to render JP'610 a two-component system would completely destroy the intended function of the invention of this reference. Thus, the skilled person would avoid modifying this reference to be only a two-component system instead of the three-component system disclosed and required therein.

Since independent Claim 1 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted



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